



*JFW*

PATENT

Attorney Docket: 2944 (203-4027)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Paul A. Scirica et al.

EXAMINER: Unassigned

SERIAL NO.: 10/764,103

GROUP UNIT: Unassigned

FILED: January 23, 2004

DATED: September 30, 2004

FOR: **SURGICAL STAPLING DEVICE WITH DISSECTING TIP**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO-1449 is brought to the attention of the Examiner.

A copy of the foreign patents and publications listed in the attached PTO1449 are included herewith.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art.

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 30, 2004.

Dated: September 30, 2004

*Christopher G. Trainor*  
Christopher G. Trainor

The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

- ☐ This information disclosure statement is being filed within three (3) months of the filing date of this application.
- ☐ This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application.
- ☒ To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.
- ☐ Enclosed herewith is a certificate under 37 C.F.R. §1.97(e).
- ☐ Enclosed herewith is a petition under 37 C.F.R. §1.97(d)(ii).
  - ☐ Enclosed by check is the petition fee of \$180.00. 37 C.F.R. §1.17(i)(1))
  - ☐ Please charge the \$180.00 petition fee to Deposit Account No. 21-0550.
- ☐ Enclosed by check is the \$180.00 fee required by 37 C.F.R. §1.17(p).
- ☐ Please charge the \$180.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. 21-0550.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or §1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550. Also, in the event any extensions of time for responding and/or a petition under 37 C.F.R. §1.17(i)(i) are required for

the pending application(s), please treat this paper as a petition to extend the time and/or enter this Information Disclosure Statement as required and charge Deposit Account No. 21-0550 therefor. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

The claims of the application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,



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CGT:sf

Form PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6,722,552	4/20/2004	Fenton, Jr.			
	6,698,643	3/2/2004	Whitman			
	6,656,193	12/2/2003	Grant et al.			
	6,602,252	8/5/2003	Mollenauer			
	6,594,552	7/15/2003	Nowlin et al.			
	6,592,597	7/15/2003	Grant et al.			
	6,587,750	7/1/2003	Gerbi et al.			
	6,565,554	5/20/2003	Niemeyer			
	6,554,844	4/29/2003	Lee et al.			
	6,544,274	4/8/2003	Danitz et al.			
	6,505,768	1/14/2003	Whitman			
	6,503,257	1/7/2003	Grant et al.			
	6,488,196	12/3/2002	Fenton, Jr.			
	6,443,973	9/3/2002	Whitman			
	6,439,446	8/27/2002	Perry et al.			
	6,330,965	12/18/2001	Milliman et al.			
	6,325,810	12/4/2001	Hamilton et al.			
	6,315,184	11/13/2001	Whitman			
	6,315,183	11/13/2001	Piraka			
	6,269,977	8/7/2001	Moore			
	6,264,087	7/24/2001	Whitman			
	6,264,086	7/24/2001	McGuckin, Jr.			

EXAMINER

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(Form PTO-1449 [6-4])

Form PTO-1449  U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use several sheets if necessary)	ATTY. DOCKET NO.:	SERIAL NO.:
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## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		6,250,532	6/26/2001	Green et al.			
		6,241,139	6/5/2001	Milliman et al.			
		6,202,914	3/20/2001	Geiste et al.			
		6,197,017	3/6/2001	Brock et al.			
		6,010,054	1/4/2000	Johnson et al.			
		6,109,500	8/29/2000	Alli et al.			
		6,079,606	6/27/2000	Milliman et al.			
		6,032,849	3/7/2000	Mastri et al.			
		6,004,335	12/21/1999	Vaitekunas et al.			
		5,954,259	9/21/1999	Viola et al.			
		5,918,791	7/6/1999	Sorrentino et al.			
		5,911,353	6/15/1999	Bolanos et al.			
		5,901,895	5/11/1999	Heaton et al.			
		5,897,562	4/27/1999	Bolanos et al.			
		5,871,135	2/16/1999	Williamson IV et al.			
		5,865,361	2/2/1999	Milliman et al.			
		5,862,972	1/26/1999	Green et al.			
		5,836,147	11/17/1998	Schnipke			
		5,833,695	11/10/1998	Yoon			
		5,829,662	11/3/1998	Allen et al.			
		5,826,776	10/27/1998	Schulze et al.			
		5,823,066	10/20/1998	Huitema et al.			

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,820,009	10/13/1998	Melling et al.			
		5,817,109	10/6/1998	McGarry et al.			
		5,816,471	10/6/1998	Plyley et al.			
		5,810,855	9/22/1998	Rayburn et al.			
		5,810,811	9/22/1998	Yates et al.			
		5,797,538	8/25/1998	Heaton et al.			
		5,797,537	8/25/1998	Oberlin et al.			
		5,797,536	8/25/1998	Smith et al.			
		5,782,397	7/21/1998	Koukline			
		5,782,396	7/21/1998	Mastri et al.			
		5,779,132	7/14/1998	Knodel et al.			
		5,779,131	7/14/1998	Knodel et al.			
		5,779,130	7/14/1998	Alesi et al.			
		5,769,303	6/23/1998	Knodel et al.			
		5,762,256	6/9/1998	Mastri et al.			
		5,762,255	6/9/1998	Chrisman et al.			
		5,752,644	5/19/1998	Bolanos et al.			
		5,749,893	5/12/1998	Vidal et al.			
		5,743,456	4/28/1998	Jones et al.			
		5,735,848	4/7/1998	Yates et al.			
		5,728,110	3/17/1998	Vidal et al.			

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(Form PTO-1449 [6-41])

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U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,716,366	2/10/1998	Yates			
		5,713,505	2/3/1998	Huitema			
		5,711,472	1/27/1998	Bryan			
		5,709,334	1/20/1998	Sorrentino et al.			
		5,704,534	1/6/1998	Huitema et al.			
		5,697,542	12/16/1997	Knodel et al.			
		5,692,668	12/2/1997	Schulze et al.			
		5,690,269	11/25/1997	Bolanos et al.			
		5,680,982	10/28/1997	Schulze et al.			
		5,676,674	10/14/1997	Bolanos et al.			
		5,673,842	10/7/1997	Bittner et al.			
		5,673,841	10/7/1997	Schulze et al.			
		5,673,840	10/7/1997	Schulze et al.			
		5,669,544	9/23/1997	Schulze et al.			
		5,667,517	9/16/1997	Hooven			
		5,662,666	9/2/1997	Onuki et al.			
		5,662,662	9/2/1997	Bishop et al.			
		5,662,260	9/2/1997	Yoon			
		5,662,259	9/2/1997	Yoon			
		5,662,258	9/2/1997	Knodel et al.			
		5,658,300	8/19/1997	Bito et al.			
		5,657,921	8/19/1997	Young et al.			
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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,655,698	8/12/1997	Yoon			
		5,653,721	8/5/1997	Knodel et al.			
		5,653,374	8/5/1997	Young et al.			
		5,647,526	7/15/1997	Green et al.			
		5,645,209	7/8/1997	Green et al.			
		5,636,780	6/10/1997	Green et al.			
		5,634,584	6/3/1997	Okorochoa et al.			
		5,632,432	5/27/1997	Schulze et al.			
		5,630,541	5/20/1997	Williamson, IV et al.			
		5,630,540	5/20/1997	Blewett			
		5,630,539	5/20/1997	Plyley et al.			
		5,628,446	5/13/1997	Geiste et al.			
		5,626,587	5/6/1997	Bishop et al.			
		5,624,452	4/29/1997	Yates			
		5,607,095	3/4/1997	Smith et al.			
		5,601,224	2/11/1997	Bishop et al.			
		5,597,107	1/28/1997	Knodel et al.			
		5,588,581	12/31/1996	Conlon et al.			
		5,588,580	12/31/1996	Paul et al.			
		5,586,711	12/24/1996	Plyley et al.			
		5,577,654	11/26/1996	Bishop			
		5,573,543	11/12/1996	Akopov et al.			
		5,564,615	10/15/1996	Bishop et al.			
		5,562,682	10/8/1996	Oberlin et al.			
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U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,562,241	10/8/1996	Knodel et al.			
		5,562,239	10/8/1996	Boiarski et al.			
		5,553,765	9/10/1996	Knodel et al.			
		5,551,622	9/3/1996	Yoon			
		5,535,937	7/16/1996	Boiarski et al.			
		5,535,934	7/16/1996	Boiarski et al.			
		5,531,744	7/2/1996	Nardella et al.			
		5,529,235	6/25/1996	Boiarski et al.			
		5,518,164	5/21/1996	Hooven			
		5,518,163	5/21/1996	Hooven			
		5,489,058	2/6/1996	Plyley et al.			
		5,487,500	1/30/1996	Knodel et al.			
		5,485,947	1/23/1996	Olson et al.			
		5,484,451	1/16/1996	Akopov et al.			
		5,474,566	12/12/1995	Alesi et al.			
		5,470,010	11/28/1995	Rothfuss et al.			
		5,470,007	11/28/1995	Plyley et al.			
		5,467,911	11/21/1995	Tsuruta et al.			
		5,465,895	11/14/1995	Knodel et al.			
		5,464,300	11/7/1995	Crainich			
		5,452,837	9/26/1995	Williamson, IV et al.			
		5,447,265	9/5/1995	Vidal et al.			
		5,433,721	7/18/1995	Hooven et al.			
		5,431,323	7/11/1995	Smith et al.			
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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,417,361	5/23/1995	Williamson, IV			
		5,415,335	5/16/1995	Knodell, Jr.			
		5,415,334	5/16/1995	Williamson, IV: Warren P. et al.			
		5,407,293	4/18/1995	Crainich			
		5,397,324	3/14/1995	Carroll et al.			
		5,397,046	3/14/1995	Savage et al.			
		5,395,034	3/7/1995	Allen et al.			
		5,395,033	3/7/1995	Byrne et al.			
		5,383,880	1/24/1995	Hooven			
		5,381,943	1/17/1995	Allen et al.			
		5,376,095	12/27/1994	Ortiz			
		5,364,003	11/15/1994	Williamson, IV			
		5,332,142	7/26/1994	Robinson et al.			
		5,326,013	7/5/1994	Green et al.			
		5,318,221	6/7/1994	Green et al.			
		5,312,023	5/17/1994	Green et al.			
		5,307,976	5/3/1994	Olson et al.			
		5,170,925	12/15/1992	Madden et al.			
		5,141,144	8/25/1992	Foslien et al.			
		5,129,570	7/14/1992	Schulze et al.			
		5,111,987	5/12/1992	Moeinzadeh et al.			
		5,083,695	1/28/1992	Foslien et al.			
		5,074,454	12/24/1991	Peters			

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		5,065,929	11/19/1991	Schulze et al.			
		5,040,715	8/20/1991	Green et al.			
		4,991,764	2/12/1991	Mericle			
		4,892,244	1/9/1990	Fox et al.			
		4,863,088	9/5/1989	Redmond et al.			
		4,784,137	11/15/1998	Kulik et al.			
		4,728,020	3/1/1988	Green et al.			
		4,703,887	11/3/1987	Clanton et al.			
		4,671,445	6/9/1987	Barker et al.			
		4,633,874	1/6/1987	Chow et al.			
		4,633,861	1/6/1987	Chow et al.			
		4,610,383	9/9/1986	Rothfuss et al.			
		4,608,981	9/2/1986	Rothfuss et al.			
		4,602,634	7/29/1986	Barkley			
		4,589,413	5/20/1986	Malyshev et al.			
		4,505,414	3/19/1995	Filipi			
		4,429,695	2/7/1984	Green			
		3,490,675	1/20/1970	D.T. Green et al.			
		3,079,606	3/5/1963	B.S. Bobrov et al.			
		Re34,519	1/25/1994	Fox et al.			

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## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
		0666057	8/1995	EPO				
		0593920	4/1994	EPO				
		0705571	4/1996	EPO				
		0140552	5/1985	EPO				
		0324635	7/1989	EPO				
		89/10094	11/1989	WO				
		0156774	10/1985	EPO				
		0216532	4/1987	EPO				
		0536903	4/1993	EPO				
		0552050	7/1993	EPO				
		0598579	5/1994	EPO				
		0621006	10/1994	EPO				
		2660851	10/1991	France				
		2903159	7/1980	Germany				
		3114135	10/1982	Germany				
		4213426	10/1992	Germany				
		659146	4/1979	U.S.S.R.				
		9308754	5/1993	WIPO				
		9314706	8/1993	WIPO				
		0589306	3/1994	EPO				
		0591946	4/1994	EPO				
		0592243	4/1994	EPO				
		0621009	10/1994	EPO				

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							YES	NO
		0656188	6/1995	EPO				
		2681775	10/1991	France				
		4300307	7/1994	Germany				
		980703	12/1982	Russian Federation				
		990220	1/1983	Russian Federation				
		0136950	4/1985	EPO				
		0220029	4/1987	EPO				
		0213817	11/1987	EPO				
		0273468	7/1988	EPO				
		0324638	7/1989	EPO				
		0373762	6/1990	EPO				
		0380025	8/1990	EPO				
		0449394	10/1991	EPO				
		0484677	5/1992	EPO				
		0489436	6/1992	EPO				
		0503662	9/1992	EPO				
		0514139	11/1992	EPO				
		0537572	4/1993	EPO				
		0539762	5/1993	EPO				
		0545029	6/1993	EPO				
		0579038	1/1994	EPO				
		0598202	5/1994	EPO				
		0365153	8/1995	EPO				

  

EXAMINER	DATE CONSIDERED
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Form PTO-1449 [6-4])

Form PTO-1449    U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use several sheets if necessary)		ATTY. DOCKET NO. 2944 (203-4027)		SERIAL NO. 10/764,103	
		APPLICANTS: Paul A Scirica et al.			
		FILING DATE: January 23, 2004		GROUP ART UNIT Unassigned	

  

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
		2542188	9/1984	France				
		2744824	2/1980	Germany				
		1555455	11/1979	United Kingdom				
		2070499	9/1981	United Kingdom				
		2141066	12/1984	United Kingdom				
		WO9210976	7/1992	WIPO				
		WO8302247	7/1993	WIPO				
		0324637	7/1989	EPO				
		0041022	12/1981	EPO				
		0324166	7/1989	EPO				
		0324637	7/1989	EPO				
		0369324	5/1990	EPO				
		0373762	6/1990	EPO				
		0399701	11/1990	EPO				
		0552050	7/1993	EPO				
		0552423	7/1993	EPO				
		728848	5/1977	U.S.S.R.				
		1352554	4/1971	United Kingdom				
		1452185	10/1976	United Kingdom				
		2048685	12/1980	United Kingdom				
		2165559	4/1986	United Kingdom				

  

EXAMINER	DATE CONSIDERED
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Form PTO-1449 [6-4])